

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**GREENES ENERGY GROUP LLC**

**CASE NO. 6:22-CV-02012**

**VERSUS**

**JUDGE ROBERT R. SUMMERHAYS**

**WESTCHESTER SURPLUS LINES  
INSURANCE CO.**

**MAGISTRATE JUDGE DAVID J. AYO**

**JUDGMENT**

Before this Court is a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed by defendant Westchester Surplus Lines Insurance Co (Rec. Doc. 16) and a motion for partial summary judgment pursuant to Fed. R. Civ. P. 56 filed by plaintiff Greene's Energy Group, LLC (Rec. Doc. 20). The motions are opposed. These motions were referred to United States Magistrate Judge David J. Ayo for report and recommendation. After an independent review of the record, including the objections filed, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that, consistent with the report and recommendation, the motion for partial summary judgment filed by plaintiff Greene's Energy Group, LLC (Rec. Doc. 20) is **GRANTED** and, accordingly, judgment is hereby entered declaring coverage under Policy No. G27615429 004 for Greene's Energy Group LLC's claim based on the underlying suit styled *Cypress Pipeline and Process Services, LLC v. Greene's Energy Group, LLC*, No. 2019-57098 (Tex. Dist. Ct. – Harris Cty. 11/24/21). Considering the foregoing,

**IT IS FURTHER ORDERED** that the motion to dismiss filed by defendant Westchester Surplus Lines Insurance Co. (Rec. Doc. 16) is **DENIED** in all respects. Finally,

**IT IS FURTHER ORDERED** that all other claims by Plaintiff are preserved for further proceedings consistent with the Court's judgment entered this day.

**SIGNED** at Lafayette, Louisiana, this 6th day of September, 2023.

A handwritten signature in black ink, appearing to read 'R. Summerhays', written over a horizontal line.

**ROBERT R. SUMMERHAYS**  
**UNITED STATES DISTRICT JUDGE**